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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 8738/2024 & Crl.M.As.33442-43/2024**

SH SOURABH JINDAL AND ORS

....Petitioners

Through: Appearance not given

versus

THE STATE (NCT OF DELHI) AND ANR

....Respondents

Through: Mr. Raghuinder Verma, APP for the
State
Mr. Umesh Chandra Sharma, Adv.
for R-2

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

12.12.2024

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) has been filed on behalf of the petitioners praying for quashing of FIR bearing No.546/2018, dated – 8th July, 2018 registered at Police Station- Samaipur Badli, Rohini, Delhi, for the offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 (hereinafter “IPC”) & Sections 3/4 of the Dowry Prohibition Act, 1961.

2. Notice issued.

3. Notice is accepted by learned APP for the State as well as by learned



counsel for the respondent No.2.

4. Learned counsel appearing on behalf of the petitioner submitted that the marriage between the petitioner No.1 and respondent No.2 got solemnized on 19th April, 2012 at New Delhi, according to Hindu rites and ceremonies but due to some temperamental differences between them, they started living separately since 3rd November, 217 and despite reconciliation efforts, the dispute could not be resolved which led to the registration of the aforesaid FIR. It is submitted that one female child, namely Charvi Jindal, was born out of their wedlock, who has been in exclusive custody, care and control of the respondent No.2.

3. It is submitted that with the intervention of family members and relatives, both the parties have now entered into a settlement *vide* /Compromise Deed dated 18th April, 2024 before the Delhi Mediation Centre, Rohini Courts, New Delhi. The terms and conditions of the said settlement are mentioned in the settlement deed which is annexed as Annexure B to the petition.

4. It is submitted that in pursuance of the said settlement, the parties have already obtained divorce by mutual consent *vide* divorce decree dated 4th June, 2024 passed by the learned Principal Judge, Family Court, Rohini, North, Delhi.

5. It is submitted that the respondent No.2 has settled all her claims in respect of her dowry articles, stridhan, marriage expenses, jewellery, gift items and claims of past, present and future maintenance and permanent alimony and all other disputes of any nature whatsoever with the petitioner No.1 for a sum of Rs. 65,00,000/- (Rupees Sixty Five Lakhs), out of which the remaining amount of Rs.20,00,000/- (Rupees Twenty Lakhs) was agreed



to be paid at the time of quashing of the present FIR.

6. Therefore, in view of the aforesaid submissions, the instant petition may be allowed and the reliefs be granted as prayed for.

7. At this stage, the respondent No.2 is present in Court and upon query made by this Court, she submits that though she has settled all her disputes with the petitioners, however, the terms and conditions in the aforesaid settlement deed are not the same which were stated to her at the time of execution of the said deed. She further submits that she does not agree to the terms and conditions mentioned in the said settlement deed and prays that the instant petition be dismissed.

8. Learned APP for the State submitted that since the respondent No.2 does not agree to the aforesaid settlement deed, the instant petition may be dismissed.

9. Heard learned counsel for the parties and perused the record.

10. Insofar as the law is concerned, in the case of *State of Madhya Pradesh vs. Laxmi Narayan and Ors.*, (2019) 5 SCC 688, the Hon'ble Supreme Court held that the powers conferred under Section 482 of the Code of Criminal Procedure, 1973 (now Section 528 of the BNSS), can be exercised by the Courts to quash the criminal proceedings featuring non-compoundable offences, when the matter arises out of matrimonial or family disputes. However, it is pertinent to satisfy the Court that the said non-compoundable offences are private in nature and does not have a serious impact on the society.

11. Furthermore, it was observed by the Hon'ble Supreme Court in the case of *Ramgopal and Ors. Vs. The State of Madhya Pradesh*, 2021 INSC 568, that the extraordinary power enjoined upon the High Courts under



Section 482 of the Code of Criminal Procedure, 1973 (now Section 528 of the BNSS) can be invoked even when such a case falls within the ambit of non-compoundable offences given that the Court must be satisfied that the nature of the said offence does not impact the conscious of the society and that the compromise between the parties is voluntary and amicable.

12. In the instant case, as stated above, the parties have reached on the compromise, however, the respondent No.2, at this stage, is objecting to the aforesaid compromise by submitting that the terms and conditions of the said settlement are not the same as were stated to her at the time of the execution of the settlement. The respondent No. 2 has vehemently objected to the terms and conditions of the said settlement agreement.

13. This Court is conscious of the legal position that although, after registration of an FIR, if the dispute is of matrimonial in nature, the parties generally resolve their disputes and the FIR is quashed on the basis of the compromise. However, the law clearly postulates that quashing of the FIR on the basis of compromise is not the mandate and the High Court has to apply its judicial mind in order to determine the veracity of the terms and conditions of the settlement. Further, since the powers under Section 528 of the BNSS are to be exercised sparingly, the Court has to ensure that both the parties agree/consent to the terms of the settlement at the time of the quashing of the FIR and that the parties have not entered into the settlement under any duress or coercion.

14. Therefore, keeping in view the settled position of law, objection of the respondent No. 2 *qua* the Settlement/Compromise Deed dated 18th April, 2024, this Court is not inclined to quash the instant FIR in light of the peculiar facts and circumstances noted hereinabove.



15. In view of the above, this Court does not find any merit in the present petition. Accordingly, the present petition alongwith pending applications, if any, stands dismissed.

CHANDRA DHARI SINGH, J

DECEMBER 12, 2024

Rt/ryp

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